

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 55245

Shirley Marie Spearman

7816 Deboy Avenue

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on November 24, 2009 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 35-2-304, failure to obtain a valid building permit for new construction on residential property known as 7816 Deboy Avenue, 21222.

On October 8, 2009, pursuant to Baltimore County Code §3-6-205, Inspector Gary Hucik issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,000.00 (one thousand dollars).

The following persons appeared for the Hearing and testified: Peter Piunti, fiance to and representative of the Respondent, Glenn Schaffer, Inspector with Environmental Impact Review, Critical Areas and Marinas division of the Department of Environmental Protection and Resource Management (DEPRM) and Gary Hucik, Building Inspector with Baltimore County Buildings Inspections.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on January 15, 2009 for failure to obtain valid building permit prior to construction project, enclosing rear porch. This Citation was issued on October 8, 2009.

B. Inspector Gary Hucik testified that he issued the Correction Notice after observing that Respondent had enclosed the porch without a permit. The owner responded and attempted to obtain the required permit, but discovered that it was not possible to get required approval from the Department of Environmental Protection and Resource Management (DEPRM).

C. Glenn Schaffer, Inspector with Environmental Impact Review, Critical Areas and Marinas division of DEPRM, testified that Respondent's permit application cannot be approved until excess impervious surface area is removed. A letter from DEPRM dated September 30, 2009 is in the file; the letter states in part that this property is within both a Limited Developed Area and a Buffer Management Area in the Chesapeake Bay Critical Area, and is subject to restrictions and requirements that are not yet satisfied. Inspector Schaffer further testified that if Respondent can remove 932 square feet of impervious surface and comply with buffer requirements, the permit can be issued for the existing addition and enclosed porch.

D. Peter Piunti testified that the property owner is willing to make the required changes, and requested additional time to comply. He testified that Respondent will be able to meet requirements and obtain a building permit by June 1, 2010. The Inspectors did not object to this proposed timeline.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if Respondent obtains a valid building permit by June 1, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 3rd day of December 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.